IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12694 of 2005

Between:

1 M.Jagazdeeswara Rao S/o.China Satyanarayana
Proprietor Sri Venkata Santhi Saw Mill
Boddam Vill, Vepada Mandal, Vizianagaram District.
2 Yelamanchilli Prasad S/o.Ramulu
Srirama Saw Mills, S.Kota, Vizianagr District.
3 Panchipulusu Sanyasi Rao S/o.Late venkata Subbaiah
Sri Venkata Satyanarayana Saw Mill S.Kota Post, Vizianagaram District.
4 Pachipulusu Sanyasi Rao S/o.Late Venkata Subbaiah
Sri Venkata Satyanarayana Babu Rao Saw Mill Pothanapalli Vill.S.Kota Mandal
Vizianagaram District.

..... PETITIONERS

AND

1 The Divisional Forest Officer Vizianagaram District.
2 The Forest Ranga Officer Vizianagaram District.
3 Deputy Ranga Officer Forest Department, S.Kota, vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the inaction of the respondents in not renewing the licences of the petitioners herein for the period 21 st January 2005 to 31st December 2007 in respect of their saw mills having accepted the amounts for renewal through various challans deposited in the state Bank of India, S.Kota, Vizianagaram District, as being illegal, unjust, arbitrary and violative of Article 14 of the constitution of India and A.P. saw Mills (regulation Rules) of 1969 and pass such other order or orders.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent No.: GP FOR FORESTS

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the action of the respondents in not renewing the licences of the petitioners herein for the period 21st January 2005 to 31st December 2007 in respect of the saw mills having accepted the amounts for renewal through various challans deposted in the State Bank of India, S. Kota, Vizianagaram District, as illegal, unjust and violative of Article 14 of the Constitution of India and Andhra Pradesh Saw Mills (Regulation Rules) of 1969 (for short the 'Rules').

It is submitted that the petitioners were granted licence to establish and run the sawmill. It is averred in the affidavit, that the petitioners' licences were extended for a period of one year and expired on 31.12.2002, as such, they are paying the licence fee byway of demand drafts, thereafter, the respondents have not renewed their licences. Therefore, the petitioners came up with the present writ petition.

On the other hand, the learned Government Pleader, on instructions, submitted that though the licences granted to the petitioners expired in 2001, the petitioners have not made any application before expiry of thirty days, for renewal, as contemplated under Rule 6(2) of the Rules. He further submitted that mere

payment of licence fee by way of demand draft, does not either entitle the petitioners for the renewal of their licence or does it obligates the respondents to renew their licenses.

Evidently, the petitioners did not state anything about making of application for renewal of their licences, that were expired in December, 2001, except making payment of licence fee by way of demand drafts, that too in lumpsum. Therefore, as rightly contended by the learned Government Pleader, mere making the payment of certain lumpsum amounts, in the name of licence fee, without making application for the said purpose, within the time stipulated, as contemplated under Rule 6(2) of the Rules, does not obligate the respondent to renew their licence. Therefore, the relief sought for in this Writ Petition cannot be granted. Consequently, the Writ Petition fails and is accordingly dismissed. No order as to costs. However, the respondents are directed to consider the applications that may be made by the petitioners, for grant of fresh licence, in accordance with law.

In view of the above, the Writ Petition fails and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to make fresh applications for grant of licence to run their sawmill for the year 2005-2006. No order as to costs.

E. DHARMA RAO, J

DATED: 16/06/2005

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To

1 The Divisional Forest Officer Vizianagaram District.
2 The Forest Ranga Officer Vizianagaram District.
3 Deputy Ranga Officer Forest Department, S.Kota, vizianagaram District.

4. Two CCs to G.P. for Forests, High Court of A.P., Hyderabad. (OUT)

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